



**PROVINCE OF NEWFOUNDLAND AND LABRADOR**

**HOUSE OF ASSEMBLY**

---

**Volume 1**

**Number 26**

**5th Session**

**34th. General Assembly**

---

# **VERBATIM REPORT**

**THURSDAY, APRIL 22, 1971**

**SPEAKER: THE HONOURABLE GEORGE W. CLARKE**

The House met at 3:00 P.M.

Mr. Speaker in the Chair.

MR. SPEAKER: Order!

PETITIONS:

HON. J.R. SMALLWOOD(PREMIER): Mr. Speaker, I have the honour to present a petition from some 246 voters in Flat Bay in the district of St. George's. The prayer of their petition is that the road connecting the Trans Canada Highway to Flat Bay and St. Teresa's be fully repaired and a start made toward paving it as soon as possible. The petitioners point out, by way of justification of this request, that there are four different industries in the area namely: fishing which employs some fifty fishermen, lumbering employing approximately twenty men, tourist operation employing ten to fifteen men and, of course, the Flintcote Company operation at Flat Bay, quarrying gypsum rock, employing one hundred men making, a total of 180 to 185 men.

Then still further to justify their request they point out that there are some 1,000 to 1,200 people who depend on this road for their every day needs. Then, Sir, they wind up their petition with a point of stupendous importance, it seems to me, and very great weight, one that ought to weigh heavily with this House, when they say, "We feel that we have been loyal to the Liberal Government of Newfoundland for the past twenty-two years and deserve a decent road to show that it was all worth-while," and, Sir, they must never be allowed to think for a moment that it was not worth-while. So for that reason I have great pleasure and the honour to submit this petition to the House, praying that it may be referred to the Department to which it relates.

MR. A.J. MURPHY(LEADER OF THE OPPOSITION): Mr. Speaker, I can do no less but to support this petition because I think we are all aware, where so many districts like St. George's have been Liberal for the past twenty-two years have been so badly neglected. I think I recognize the problem that these

MR. MURPHY:

people are facing, as many people in other parts of the Province are facing, and the way the Premier presented this petition I am sure that his Government will give the best consideration they can to solving the needs of the people in the area of Flat Bay in the district of St. George's

On motion, petition received.

HON. W.N. ROWE (MINISTER OF COMMUNITY AND SOCIAL DEVELOPMENT): Mr. Speaker, I beg leave to present a petition to the hon. House, which I have received from the residents of the communities of Sops Arm and Pollards Point in the district of White Bay South. The petition is signed, Sir, by nearly two hundred voters of those two communities and the prayer of the petition is that they be supplied more efficient telephone services. They say that they consider four to six households on the same line intolerable and desire more private and semi-private lines.

Now, Mr. Speaker, I am very much aware that the substance of this petition falls outside of the jurisdiction of any Government Department or indeed of the Government of Newfoundland or this House of Assembly but the people have gone to the trouble of signing the petition and sending it to me, as a Provincial member, and I thought it necessary to have the matter mentioned in the House of Assembly.

So, in making my motion that it be referred to the Department to which it relates, I would ask that the clerk return it to me after it has been tabled so that I can forward the petition on to the Canadian National Telecommunications in St. John's.

I move, Sir, that this petition be received by this hon. House and referred to the Department to which it relates.

MR. MURPHY: Mr. Speaker, I would like to add my support to that petition. As the hon. Minister has pointed out, it is without the jurisdiction of this House but I am sure if this Government would make strong representation, this House of Assembly, I feel that perhaps we may get some action on it. We know

MR. MURPHY:

that that particular district comes under CNT. I just recently visited the area, a small part of it, and this is one of the problems that were brought before me. I have very much pleasure indeed in supporting the petition as presented by the member for the district, the hon. Minister.

HON. F.W. ROWE ( MINISTER OF EDUCATION AND YOUTH): Mr. Speaker, I think I would again be derelict if I did not rise also to support the petition from this very fine group of Newfoundlanders who populate Sops Arm and the area near it. I have had a fair amount of dealings with all parts of the Province and much of it, of course, by telephone and I can say, quite truthfully, that in the past twenty years one of the areas that I found it most difficult to communicate with (and this included the ten years that I represented that district of White Bay South) one of the areas that I found it most difficult to get in touch with, to communicate with (first it was no telephone and then it was one of these two-way things and later on there was a modification of that) was that area of Sops Arm and I do not understand the reason for it.

It is an area of fine, independent, hard-working people, it is an area that has been opened up by road and it is an area that has a future. It has a future in a number of ways there, and I would like to lend my support to this plea, to the Federal agencies concerned, to improve the telephonic services to Sops Arm and the West side of White Bay generally.

On motion, petition received.

HON. E. JONES (MINISTER OF FINANCE): Mr. Speaker, I beg leave to present a petition on behalf of the residents of Tilting on Fogo Island in the district of Fogo. The prayer of this petition is that a bridge and causeway, actually it is a combination of bridge and causeway, be built to span the narrow tickle across the harbour. Now this matter has been under consideration, Mr. Speaker, for a number of years and at one time there was not complete unanimity among the people of Tilting as to whether or not this structure should be built because it was felt that it might interfere with the operation

MR. JONES:

of some of the fishing boats and other craft operating out of the harbour.

However, Mr. Speaker, this petition has been signed by 186 voters and they tell me that there were twenty-five voters absent from the community and therefore did not sign it. The petition is headed by the parish priest, the Rev. Barker, and it has been sent to me by Mr. Alan Dwyer who is very well-known on Fogo Island for his interest in education. In view of the fact, Mr. Speaker, that this petition now seems to have the unanimous support of all the people of Tilting Harbour, I beg leave to lay it on the table of the House and ask that it be referred to the Department to which it relates. In saying that I would remind my hon. colleague, the Minister of Highways, that preliminary surveys have already been done on this structure.

MR. H.R.V. EARLE: Mr. Speaker, I should like to support the petition just presented by the hon. the Minister of Finance. Having known the area very intimately as a young man and visited it on many occasions since, I can well realize the necessity of a bridge in that particular locality. Tilting Harbour Below, as the hon. member forgot to mention the correct title of that area, was a very shallow harbour with many rocks and many shoals, which could easily be connected up, and I should imagine that the construction of this bridge would not be a very big nor expensive undertaking but would be of great service to the people.

Therefore I support it and think that the people have long been due such a facility. I am glad that they are all in agreement and desire it now. I support it most heartily.

On motion, petition received.

MR. W. HODDER: Mr. Speaker, I beg leave to present a petition on behalf of the people of Channel, Port aux Basques, who have summer cabins in the Codroy area between Cooper's Brook and Campbell's Brook, where approximately thirty families reside during about fifty to seventy-five per-cent of the year and

MR. HODDER:

also on behalf of the people who have summer cabins in the MacDougall's Beach area and the permanent settlers, of which there are between forty and fifty families.

The prayer of the petition is that electricity be extended to these areas so that they would have the conveniences that they require during the summer months. I ask that this petition be laid on the table of the House and referred to the Department to which it relates.

MR. T.A. HICKMAN: Mr. Speaker, in rising to support the petition just presented by the hon. the member for Burgeo-LaPoile the Codroy area and the Codroy Valley is developing into a very attractive area for summer residence, but with that there is arising another very serious problem that I suspect the hon. member is aware of. We are on the verge, in this Province, of facing an avalanche of land grabbers, from the United States of America in particular, who seem on the verge of following the same route and creating the same problems that Nova Scotia and Prince Edward Island now find themselves facing. Indeed, I understand the Government of Canada has been called upon to provide massive funds to enable the Province of Prince Edward Island to buy back a lot of these lands.

Now what I am getting at, Mr. Speaker, in this attractive area of Codroy, is that we have a lot of abandoned farms all up through that area and abandoned land generally which is very attractive and the owners have an absolute right to sell this property and nobody would suggest that that right be taken away from them. They have the right to sell the property at the going market price, which is comparatively cheap, but if we are not careful, Mr. Speaker, we are going to find that over the next few years that entire area will be bought, in large land tracks by outsiders, to the exclusion of Newfoundlanders. You say, Mr. Speaker, how do you resolve that, how do you in the one breath say that a man has the right to negotiate and sell his property to whoever he wishes and on the other hand say that you



MR. HICKMAN:

should try and protect some of this land and save it for Newfoundlanders?

I believe that an answer to it and an answer that is being studied in other jurisdictions in North America is to provide some form of commission to look at these particular areas in the Province and, if it becomes apparent that this is what is setting in, then Government should have the right to purchase from the owner the land, at the price that has been negotiated by the owner with some private individual. It is not going to be an expensive proposition at all, indeed it will be comparatively cheap. Then Government can develop these areas for the purpose intended, be it farming or be it tourist development, and sell it again at the going market price, in lots that are suited for the purpose intended.

It is a problem that is just starting to show up this year and last.

In supporting this petition of the hon. member for Burgeo-LaPoile I would

direct the House's attention to the problem. As is suggested, the cure is now available before it becomes too serious.

HON. E. WINSOR (Min. of Lab. Affairs): Mr. Speaker, I rise to support this petition. It may be unusual for a member for Labrador North to rise and support a petition presented by the hon. member for Burgeo & Lapoile. But, Sir, in doing so, I do it on behalf of the people of Port aux Basques. I know that area very well, having served there for four or five years, some of the time on the ill-fated "Caribou." Sir, Port aux Basques, as we all know, is a very foggy area. I recall one month, the whole month of June we did not enjoy two hours of fine clear weather. If it were not for places such as the Codroy Valley, where we could go when we had time off, to enjoy a little of the sunshine, life would have indeed been very dull. So, Sir, if for no other purpose but to take and relieve the people of some of the fog and mist—they have to persevere in that air for so long, I think this petition, Sir, is well requested and every effort should be made to provide electricity in order that those people can build summer cabins and enjoy a little of the sunshine that they do not ordinarily enjoy around Port aux Basques.

Motion carried.

ANSWERS TO QUESTIONS:

HON. J. R. SMALLWOOD (Premier): Mr. Speaker, Question No. 394, on the Order Paper of April 1, in the name of the hon. member for St. John's West, (1) \$2, 116. (2) 116,000 copies printing \$2,320. folding, sorting, packaging labelling and delivery to the Post Office \$1,044 Postage 115,814.copies \$3,474. Total \$6,838. (3) is in some detail here, it consisted of publishing on Feb.24, in the "Echo"; "Fisherman's Advocate"; "Western Star"; "Lewisporte Pilot"; "Clarenville Packet"; "Grand Falls Advertiser"; "Gander Beacon"; "Springdale News"; "Northern Reporter"; "Trinity Conception Compass"; the "Aurora"; the "Burin Peninsula Post"; the "Georgian"; the "Newfoundland



Herald;" the "Daily News;" the "Evening Telegram;" on Feb. 17, in the "Grand Falls Advertiser;" the "Western Star;" the "Daily News;" the "Newfoundland Herald;" the "Evening Telegram;" and "CJON's" Speech by the Hon. Minister of Education and "CJON" Speech by the Premier. The total is \$5,605 with several items not included because the bills have not as yet been received, I imagine it will go something of the order of \$6000. making a total altogether of \$6, 800. something of the order of \$13,000.

Question No. 518 on the Order Paper of April 19, in the name of the hon. member for St. John's West. (1) Have already been dealt with in this House. (2) already been dealt with in this House. (3) has already been dealt with in this House. (4) which asks for correspondence, asked for something which at the moment we are not prepared to table, Perhaps before the House prorogues we may be in position to table correspondence, but at the moment we are not in such a position.

MR.CROSBIE: Mr. Speaker, in connection with the last question 518, the Hon. the Premier said that it had already been dealt with in the house. I would like to know when it was dealt with in the House? These questions are not being explained in the House and certainly part (3) has never been answered in the House, The Premier said they have been answered on what date were they answered?

MR.SMALLWOOD: I do not remember the dates, Mr. Speaker, but on several occasions I answered questions, all these questions, as they were put to me at that time, and I gave categorical answers, they were categorical and unmistakable. I repeat them now. I stand by them.

MR.CROSBIE: They were misleading they were not categorical the Hon. the Premier never answered:-

MR.SPEAKER: Order please!

MR.SMALLWOOD: Is this all right Mr. Speaker?

MR.CROSBIE: Sure, it is all right. All right for you not to answer

the question.

MR. SMALLWOOD: Bully boy thinks it is all right.

MR. SPEAKER: Order please! It is not correct at any time to say that a remark made in the House is deliberately misleading, by any hon. member to another.

HON. E. ROBERTS (Min. of Health): Mr. Speaker, a few more of the questions that have been addressed to me. Question No. 51, hon. member for St. John's East, on the Order Paper March 25, has been answered, that is the answer, it is a policy matter.

MR. MARSHALL: Mr. Speaker, a supplementary on that, the answer given was that this was a matter of policy and the question was not to be answered at that time, -

MR. ROBERTS: Yes, Mr. Speaker, although the hon. gentleman, as the Order Paper has on it a Notice of Motion, A Bill, An Act with reference to Hospitals and this will affect H.M.N.D. and the House will in due course be asked to debate it.

Question No. 93, (1) I have a list here as of April 1, I will table it and copies could be made for any members and for the press. (2) the Chairman of the Council, Mr. French, was paid \$6000, the vice-president, Mr. William Keeping, was paid \$3600; no other member was paid.

MR. MARSHALL: A supplementary question, Mr. Speaker, would the minister tell us how many meetings were held by the Provincial Health Council in 1970?

MR. ROBERTS: I thought I had already. I have answered that and the answer is none. Which does not mean, Mr. Speaker, that there was not a great deal of work done by the Council. This means that there was no meetings of the Council, there were none.

MR. CROSBIE: (inaudible)

MR. ROBERTS: Only in the mind of the hon. gentleman, those of us who know the facts - Mr. Chairman, the Chairman of the Council is not paid by

the meeting, he is not paid by the hour he is paid to be Chairman of the Council for the year. The arrangements were not made by me but I am delighted to carry them on.

MR.MARSHALL: Who made the arrangements?

MR.ROBERTS: We will have to get one of my predecessors.

MR.MARSHALL: Mr. Speaker, a further supplementary question, could the minister tell us what work was actually done by the Provincial Health Council in 1970, what meetings were held?

MR.ROBERTS: Mr. Speaker, yes, I would be delighted to, the Council Chairman and on I suppose fifteen or twenty or thirty occasions had discussions with me or with some of my officials. Some of them at a very great length, on a number of problems, points on which we wanted his views, not the least of them was the reconstitution of the Council, a matter which is now in process. I believe there is some sort of question on the Order Paper but, in any event, as soon as I am in a position to make a statement I will be making a statement on it.

Question No. 114: The answer is that service is being provided on a part-time basis by one of our Public Health Nurses and the matter is being kept under review in the event that further action becomes necessary. The lady who is providing it, Sir, is Mrs. Ann Reid.

Question No. 136: on the Order Paper of March 25, (1) <sup>7½%</sup> I guess, of the final value, (2) No. (3) not applicable. (4) July 31, 1971. (5) immediately subsequent to approval and acceptance of the final plans and specifications.

MR.MARSHALL: A supplementary question. Is the Minister then going to - this facility is still going to be built adjacent to the Hospital for Mental and Nervous Diseases.

MR.ROBERTS: The question I am about to answer, Mr. Speaker, deals with that in part, but the answer is, yes, it will be built. A great part of it

will be part of the present physical buildings at the Mental Hospital because part of it is to replace some beds which are quite old and should be put out of service.

MR. MARSHALL: In spite of the Brain Report, You are not going to go with the Brain Report.

MR. ROBERTS: Yes, Mr. Speaker, I have already announced that we do not agree with the Brain Report on mentally ill, where His Lordship recommends that mentally ill people should be put in prison. We think they should be in institutions for the mentally ill.

Question No. 137: (1) Yes. (2) generally the new maximum security unit will be self-contained but there will be sharing of some facilities such as the heating, dietary and diagnostic services.

Question No. 143: AS I have already announced in behalf of the Government, it is our intention to proceed with each of these projects as quickly as possible.

Question No. 148: I dealt with that yesterday, in response to some questions, Mr. Speaker, unless the hon. gentleman wants me to repeat what I said, I will take it that he has the information he sought.

Question No. 155: (1) The Government have received recommendations from a number of bodies as to the site of a proposed hospital for the north shore of Conception Bay. Among these groups are the Town Council of Harbour Grace, the Town Council of Spaniards Bay, the Town Council of Carbonear and a great number of private organizations. (2) the question is quite meaningless because it assumes that just one hospital will be built We have never said we will just one hospital. indeed we are committed, as the House is well aware, to build two hospitals on the north shore. (3) Mr. Speaker, that question similarly is without any meaning in light of the position of the Government.

MR. MARSHALL: Could the minister now tell us where the two - where the exact locations of both hospitals will be? I understand one is to be in

Carbonear but where is the other one?

MR.ROBERTS: The other facility will be provided,as the Government have for some considerable time been committed to,in the,in or near Bay Roberts, which is in Port de Grave District.

MR.CROSBIE: Is the minister saying that there will not be any plebiscite to decide this weighty matter.

MR.ROBERTS: Mr. Speaker, the hon. gentleman,I hate to disappoint him ,but we have never said there will be a plebiscite -

MR, CROSBIE: The Premier did.

MR.ROBERTS: No, no,Mr. Speaker, I know exactly what the Premier said.I was here, the hon. gentleman is at best misrepresenting what the Premier said to the House,it was on opening day. The hon. gentleman has plebicitis but we have never had any plans -

MR.CROSBIE: You must have caught it from the Premier.

MR.ROBERTS: We have never had any plans to have a plebiscite,Mr. Speaker, the hon. gentleman for reasons known only to him thinks we - the plebiscite, Mr. Speaker,will come at some point this year and we will stand by the result.

MR.CROSBIE: Is that a promise you will not change the -

MR.ROBERTS: It is a promise indeed.I for one am particularly looking forward to it, and so are the people of Roddickton.

MR.HICKMAN: Would the hon. minister permit a further supplementary,

MR. HICKMAN: A supplementary question. Do I understand from the hon. Minister's statement that a hospital will be built, a hospital, I understand the word "hospital" at Bay Roberts?

MR. ROBERTS: The answer is yes, but that is another question, and one we are now deep in deciding what precisely what type of hospital, because, as the hon. gentleman knows, having at one stage being intimately involved, as Minister of Health, hospitals run all the way from, you know, a small cottage hospital type facility to a general hospital, such as the one down by Forest Road. A hospital covers a lot of territory.

MR. HICKMAN: Opposed to a clinic.

MR. ROBERTS: Yes, a hospital opposed to a clinic, yes.

MR. CROSBIE: Another supplementary question, Mr. Speaker. Could the minister tell us whether or not a hospital will also be built in Harbour Grace?

MR. ROBERTS: Mr. Speaker, the answer, I think, is "no." The people of Harbour Grace will make use of the new facilities built in Carbonear, as they make use of the present facilities.

MR. CROSBIE: That is too bad, nothing for Harbour Grace.

MR. ROBERTS: No more supplementary questions?

MR. CROSBIE: What about Spaniard's Bay? Will there be one in Spaniard's Bay?

MR. ROBERTS: My ancestral home at Brigus, Mr. Speaker, is also without a hospital.

Question No. 156, asked in the name of the hon. the member for St. John's East, on the Order Paper of March 25; He wants to know the date of presentation of the architectural drawings for the hospital in Carbonear?

MR. CROSBIE: What number is this one?

MR. ROBERTS: I beg your pardon? 156.

The preliminary plants, Mr. Speaker, were presented to the Government in November 1968. The hon. gentleman then asked the cost? I am told the cost was \$95,466.00. And the name of the architectural firm, it was Horwood, Campbell and Geehan. The firm, which, I believe, has since



MR. ROBERTS: the partnership has been dissolved and it has been reconstituted, as two separate firms.

MR. MARSHALL: Inaudible.

MR. ROBERTS: I am sorry?

MR. MARSHALL: I did not catch the cost?

MR. ROBERTS: Oh, \$95,466.00.

MR. HICKMAN: Is Mr. Campbell still the architecture?

MR. ROBERTS: I think so, I think the Horwood part of the firm is doing Twillingate and the Campbell part of the firm is doing Carbonear. I think that is the way it is. My colleague the Minister of Public Works is the minister responsible for these things.

The hon. gentleman then asked; will the architectural drawings be adequate for the construction of the said hospital? And the answer is "yes, with some revision." I might add, I do not think they are complete as yet.

Question No. 207, I am not sure whether I have answered it or not. The hon. gentleman asked would nursing schools be established in Central and Western Newfoundland? Well the answer, of course, there has been in Western Newfoundland for at least two years, Mr. Speaker.

MR. MARSHALL: I got knowledge of that a little while ago.

MR. ROBERTS: Yes. Well, I must admit it was a little dismal, the hon. gentleman has not done his homework really carefully.

MR. MARSHALL: What about Central Newfoundland?

MR. ROBERTS: Central Newfoundland, at present there are no plans completed for a nursing school in Central Newfoundland. How is that?

MR. MARSHALL: Would the hon. minister then advise us whether the Government is going to comply with the manifesto of 1966, which talked about these particular nursing school?

MR. ROBERTS: Of course, Mr. Speaker, everything that was in the manifesto represented the policy of a certain political organization, which received the support of the party. I said that there were no plans completed. I might add, nursing education, well we will go into nursing education when we come

MR. ROBERTS: to the estimates.

MR. MARSHALL: Inaudible.

MR. ROBERTS: Oh, at least, yes.

I think, I have answered Question No. 208 orally. Have any requests for prosecutions under the Newfoundland Medical Care Insurance Act been made by the Minister? The answer, of course is "none."

The hon. gentleman from St. John's West has a question that is a little closer to reality, but I do not think I have a full answer yet.

Question No. 212 has been answered. The hon. gentleman asked for question No. 213 which has been answered. And then he asked me subsequently, on the Order Paper of April 14, to table the reply to part (2) of Question No. 213. I thought I had already answered that. But the answer is "no." The question was, have any preparatory steps been taken to effect the closing of the Come-by-Chance hospital? "no, of course not."

Question No. 214, Mr. Speaker, Monday, March 29, in the name of the hon. the member for St. John's East, asked me if I would table a list of the resettlement. He asked me to list the resettlement areas where improper sewerage disposal caused problems requiring the attention of the Health Inspection Division in 1969 and 1970? The answer is as follows: St. George's - well I will table a copy of the list. There is no need to have all of them marked down. St. George's, Stephenville Crossing, Robinson's, Bide Arm, in my own constituency; Forester's Point and Pigeon Cove, in St. Barbe North; Seal Cove on the Baie Verte Peninsula; Englee in my own constituency; Port au Choix, Lumsden South, Arnold's Cove, Happy Valley and Cartwright. The hon. gentleman also asked me to state the Health Inspection Division's appraisal of the degree of danger to health as a result of such improper sewage disposal? Mr. Speaker, I am unable to answer the question. My officials make no such an appraisal as to the degree of danger to health in any individual case. It is obvious that any improper disposal of sewerage creates a potential, if not an existing menace to proper health.

Well one more, Mr. Speaker, I will mark it off for today.

MR. CROSBIE: You are tabling that list are you not?

MR. ROBERTS: Yes, I will table that list.

Question No. 215, Sir, on the Order Paper of March 29, in the name of the hon. the member for St. John's East, asked me under what conditions can the Hospital Insurance programme be utilized for capital expenditure? The answer is that provision of equipment in a hospital or other facility recognized under the Hospital Insurance facility, Hospital Insurance Plan, which of course, is a joint plan of this Government and the Government of Canada. We will take a rain check on the rest of it, Mr. Speaker.

HON. E. DAWE: (MINISTER OF MUNICIPAL AFFAIRS AND HOUSING): Mr. Speaker, I would beg leave to table the answer to Question No. 253, asked by the hon. the member for St. John's Centre, on the Order Paper of March 29. I would like to point out, for the information of the hon. member, that he will note considerably decrease in the amount shown for 1969-70 as compared to 1970-71. In 1969-70 the complete vote for water and sewerage subsidies and the emergency assistance was combined in one vote. In 1970-71 estimates the vote was separated and the emergency assistance applied to emergency assistance for each of the councils, and water and sewerage subsidy was shown as one separate vote.

And I would like to table the Question No. 411, on the Order Paper of April 13, asked by the hon. the member for Bonavista North. I will table the answer to Question No. 411.

MR. SPEAKER: Further answers to questions.

HON. E. JONES: (MINISTER OF FINANCE): Yes, Mr. Speaker, I have the answers to several questions which I propose to table, all the answers which are very full and complete and lengthy. I am quite sure the hon. members will rather have time to read them at their leisure, rather than to have me read them here now.

MR. CROSBIE: We got it in baby talk now. So we can understand it.

MR. JONES: The answer to Question No. 257 asked by the hon. the Leader of the Opposition on the Order Paper of -

AN HON. MEMBER: Inaudible.

MR. JONES: Will I continue or not? On the Order Paper of the 29th. day of March, 1971.

The answer to Question No. 259 on the Order Paper of 29th. of March in the name of the hon. the member for Burin. On the Order Paper of 1st. April, the answer to Question No. 389 in the name of the hon. the member for Bonavista North.

The answer to Question No. 416 in the name of the same hon. gentleman on the Order Paper of 13th. of April, 1971.

The answer to Question No. 494 in the name of the hon. the member for St. John's West on the Order Paper of 16th. of April, 1971.

The answer to Question No. 496 in the name of the same hon. gentleman on the Order Paper of the 16th. of April, 1971.

MR. CHALKER: That is mine. Do not give him mine. That will keep him busy for the weekend. St. George's Day. There must be four or five more speeches here now.

#### ORDERS OF THE DAY

MR. CROSBIE: Mr. Speaker, before we get to Orders of the Day, I would like to move a Motion. I beg leave to make a Motion for the adjournment of the House for the purpose of discussing a definite matter of urgent public importance. And that matter is, Mr. Speaker, to discuss the fact that only 1430 or fifty-six percent of the 2,543 persons employed at Churchill Falls, in connection with the Churchill Falls Project in Labrador, as of March 1, 1971, are persons born in this Province, are permanent residents of this Province as compared to the 713 persons employed at Churchill Falls who have moved into the Province from outside of the Province, to work on the said Churchill Falls Project. Including the fact that only 1137 or sixty-eight percent of the hourly paid workers are from Newfoundland as compared with 512 workers from outside of Newfoundland, and only 293 or thirty-three percent of the salaried

MR. CROSBIE: employees are from Newfoundland as compared to 601 or sixty-seven percent of the salaried employees from outside of Newfoundland, and to discuss the steps that should be taken by the Government to increase the number of persons employed at Churchill Falls in this Province. And to ensure that employment at Churchill Falls is restricted to workers born or permanently residents in this Province, except for such worker employed in skill occupations, where such workers are not available in this Province. And the necessity for a Commission of Enquiry to proceed immediately to investigate the employment situation at Churchill Falls with respect to the number of workers employed there from this Province and with respect to the adequacy or otherwise of the protection given to workers at Churchill Falls, by the unions at Churchill Falls and by the representative of the Government at Churchill Falls.

Mr. Speaker, this is asking for leave under Standing Order 23, The matter is urgent, the information on which this Motion is made was only tabled in this House yesterday, by the Minister of Labrador Affairs. It discloses that at the present time only fifty-six percent of the people employed at Churchill Falls -

MR. SPEAKER: The hon. the member has stated his -

MR. CROSBIE: Yes, now I am addressing myself, as urgent.

MR. SPEAKER: He is not now to make a speech in connection with this until it has been decided whether he has leave to present it or not.

MR. CROSBIE: I am quite aware of that, Mr. Speaker. I am now addressing myself to the urgency of it, but at this moment only fifty-six percent of what is working -

MR. SPEAKER: Order, please! I have to tell the hon. member that he state briefly the matter of urgency, then it is passed from the Chair, but he is not to make a speech in support of the matter of the urgency. That will be done, if the Motion is accepted.

MR. CROSBIE: Right, Mr. Speaker, I agree with this, Mr. Speaker, a hundred percent. The urgency is -

AN HON. MEMBER: Inaudible.



MR. CROSBIE: The hon. the minister does not mind me speaking on the urgency. Does the minister want me to sit down and not say anything? The urgency is, Mr. Speaker, that the matter cannot be discussed at the present time except through such a Motion, as this. The Motion does not revive a discussion on a matter which has been discussed in this session previously. The Motion does not anticipate a matter which has previously been appointed for consideration by the House or with reference to which a notice of Motion has been previously given and not withdrawn.

The urgency is that at the present time only fifty-six percent of the employees are from the Province of Newfoundland, so that not one day should be lost in discussing this matter upon having the Government take some action on it. That we have always been given the understanding that the percentage of Newfoundlanders working at Churchill Falls is much higher than this.

MR. ROWE, F.W. On a point of order, Mr. Speaker, Your Honour ruled that the hon. gentleman had no business making a speech on the urgency, or on anything else. In defiance of Your ruling and in order to try to circumvent the rules of this House, the hon. gentleman is making a speech. When he starts to point out what the Premier said or what the Premier did not say, the Government said or did not say, he is making a speech and he is doing what he has done a dozen times and fifty times this year and last year. He is trying to circumvent the rules of this House. I will ask Your Honour to rule accordingly.

MR. CROSBIE: Mr. Speaker, on that so-called point of order, I refer to Beauchesne, Parliamentary Rules and Forms. I refer the hon. minister to it too. Perhaps, he can learn something about Parliamentary Procedure. Beauchesne, Mr. Speaker, on Pages 88 to 90, discusses such motions, and on page 89 it says, " the definite matter of urgent



MR. CROSBIE: public importance for the discussion of which the adjournment of the House may be moved, must be so pressing that public interest will suffer if it is not given immediate attention. That is what I am trying to establish.

MR. SPEAKER: I am of the opinion that the hon. member is anticipating that leave will be denied to put this matter forth, and he is now arguing the Point of Order in anticipation of the Order not being permitted. Now this is the argument that he is now putting forth. Now if we will continue with the business of the House, I will give my ruling within a very short time as to whether this motion for leave will be accepted by the Chair or whether it would be a matter that we put before the House. We will continue on the other matters, that is what I would prefer to do now and I will decide whether this motion to move the adjournment of the House, whether leave will be granted or not, and we can interrupt the proceedings at any particular time in this present sitting, within the hour, to move the adjournment of the debate.

MR. CROSBIE: Mr. Speaker, can I finish my remarks as to the urgency of the matter? These matters are moved in Ottawa constantly and a member is permitted to speak on urgency. The question of urgency, I am being denied the opportunity to speak on the urgency of the question.

MR. ROWE: Your are breaking the rules.

MR. CROSBIE: Just listen to it. Simple minded!

MR. SPEAKER: I must deny the hon. member the right. He is now debating the urgency of the matter and I will decide. The Chair will decide whether the matter is urgent or not or whether the necessity of urgent debate, immediate debate, is necessary. Now that argument comes after I have given that ruling. May we continue with the other matters The next Order before the House, which is Orders of the Day, and I will give my ruling as to whether the plea to introduce this motion will be granted or not.

MR. CROSBIE: On Order of the Day, I wish to address a question to the Premier. Is the Government going to carry out its promise to the hospital workers who are working in non-Government hospitals in the Province, made last year, that they would get an automatic salary increase of five per cent in this present fiscal year? It is reported that the hospital workers at Grand Falls are upset because they have not received their five per cent increase. Will the Premier tell us what the decision is on that?

MR. SMALLWOOD: I know of no such promise made by anyone.

MR. CROSBIE: It was made in the House here last year.

On motion of the hon. the Minister of Health, A Bill, "An Act Respecting Mental Health," read a first time, ordered read a second time on tomorrow.

On motion of the hon. the Minister of Health, A Bill, "An Act To Provide For The Management And Operation Of Hospitals in the Province", read a first time, ordered read a second time on tomorrow.

On motion of the hon. the Minister of Health, A Bill, "An Act To Amend The Newfoundland Medical Care Insurance Act," read a first time, ordered read a second time on tomorrow.

On motion of the hon. the Minister of Health, A Bill, " An Act To Amend The Dental Care Act of 1968," read a first time, ordered read a second time on tomorrow.

On motion of the hon. the Minister of Justice, A Bill, "An Act Further To Amend The Securities Act," read a first time, ordered read a second time on tomorrow.

On motion of the hon. the Minister of Justice, A Bill, "An Act Further To Amend The District Courts Act," read a first time, ordered read a second time on tomorrow.

On motion of the hon. the Minister of Justice, A Bill, "An Act Further To Amend The Evidence Act," read a first time, ordered read a second time on tomorrow.

On motion of the hon. the Minister of Justice, A Bill, "An Act To Amend The Mechanics' Lien Act, 1970," read a first time, ordered read a second time on tomorrow.

On motion of the hon. the Minister of Justice, A Bill, "An Act To Repeal The Act 9 Ed. VII Cap. 2 Entitled "An Act To Incorporate The Newfoundland Board of Trade, And For Other Purposes," read a first time, ordered read a second time on tomorrow.

On motion of the hon. the Minister of Mines, Agriculture and Resources, A Bill, "An Act To Amend The Agreement Ratified By, And Set Forth In The Schedule To, The Canadian Javelin Limited (Agreement) Act, 1966, And To Make Certain Provisions Relating to That Agreement," read a first time, ordered read a second time on tomorrow.

On motion of the hon. the Minister of Mines, Agriculture and Resources, A Bill, "An Act To Amend The Agreement Ratified, Confirmed And Adopted by And Set Forth In The Schedule To The Commodore Mining Company Limited (Agreement) Act, 1968, And To Make Certain Statutory Provisions Relating To That Agreement," read a first time, ordered read a second time on tomorrow.

On motion of the hon. the Minister of Mines, Agriculture and Resources, A Bill, "An Act To Amend The Agreement Ratified, Confirmed And Adopted By And Set Forth In The Schedule To The Big Nama Creek Mines Limited (Agreement) Act, 1966-67, And To Make Certain Statutory Provisions Relating To That Agreement," read a first time, ordered read a second time on tomorrow.

On motion of the hon. the Minister of Mines, Agriculture and Resources, A Bill, "An Act To Authorize The Government To Enter Into An

Agreement With Robin Hood Multifoods Limited (formerly Robin Hood Flour Mills Limited) Which Would Further Amend The Agreement Ratified, Confirmed And Adopted By And Set Forth In The Schedule To The Government - Robin Hood Flour Mills Limited (Agreement) Act, 1963, And To Make Certain Provisions Relating To That Agreement," read a first time, ordered read a second time on tomorrow.

On motion of the hon. Minister of Finance, A Bill, "An Act Further To Amend The Social Security Assessment Act," read a first time, ordered read a second time on tomorrow.

On motion of the hon. Minister of Finance, A Bill, "An Act Further To Amend The Gasoline Tax Act, 1962," read a first time, ordered read a second time on tomorrow.

On motion of the hon. Minister of Social Services and Rehabilitation, A Bill, "An Act Further To Amend The Workmen's Compensation Act, 1962," read a first time, ordered read a second time on tomorrow.

On motion of the hon. Minister of Education and Youth, A Bill, "An Act Further To Amend The Education (Teachers' Pensions) Act, 1962," read a first time, ordered read a second time on tomorrow.

Motion second reading of a Bill, "An Act To Amend The Department Of Community And Social Development Act, 1966."

MR. ROWE (W.N.): Mr. Speaker, this is a fairly minor Bill, not much to it, It merely, as the explanatory note says, amends the principal Act with respect to the agreement-making powers of myself with other people or agencies.

The Act of 1966

MR. ROWE(W.N.):

the Department of Community and Social Development Act, as far as the Minister was concerned, gave certain powers to enter into agreements with the Government of Canada and with other institutions or agencies of that Government or with institutions or agencies or persons not associated with any Government. It was found, Sir, during the course of the last two or three years, that while there was a definite necessity to retain the section, section nine (9)(1), with respect to the minister obtaining the approval of the Lieutenant Governor-in-Council, with regard to entering into some of the larger agreements, for example, the DREE agreement or the ARDA agreement or similar agreements concerning many matters on which many millions of dollars were involved.

But, Sir, there are many other agreements, which I enter into, as Minister of Community and Social Development, which do not entail or involve much money and which sometimes have to be entered into fairly quickly in order to get the greatest efficiency from them. Therefore, Sir, this Bill, Section (2) of this Bill, would repeal Section (9) of the old Act, keeping, "the necessity of the approval of the Lieutenant Governor-in-Council for the larger and bigger agreements." But doing away with the necessity for the Minister of Community and Social Development to get the approval of the Lieutenant Governor-in-Council for such agreements as research, programmes of research and investigation with the Government of Canada or other agencies or the necessity for approval of the Lieutenant Governor-in-Council for such agreements, we say, universities or educational institutions and municipal authorities. Last year some delays were suffered by myself and by the department, because, perhaps, a week or two would go by before the Lieutenant Governor-in-Council could give the necessary consent to that type of agreement. Therefore, Sir, the Bill would, I submit, make the operations of the Department of Community and Social Development more efficient, if the Bill is passed into Law. I do not think there is

MR. ROVE: (V.N.) anything I need to say about it, other than what I have said. But, I will certainly answer any questions, when I close the debate, if hon. members would like for me to answer some.

MR. CROSBIE: Mr. Speaker, there is nothing earth shaking or world shattering in this Bill, that the minister said. But, it is a Bill that amends the Department of Community and Social Development Act, and it is a Bill that deals with joint undertakings by the Government of Newfoundland with the Government of Canada or any agencies of the two of them. A project for Community or Social Development in this Province: Payment to the Province of contributions in respect to the cost of any of those projects: These were the agreements to assist the development of income under employment opportunities and improving the standard of living in the Province and so on.

I would appreciate, Mr. Speaker, if the minister could give us some information on the kind of agreements he is working on. All that we ever see in this House, from the minister, is once or twice during the session, particularly this year, of course, Election Year, last year was possibly an election year. All we ever see in the House from the minister is a long statement of construction contracts entered into by the Government, with the Government of Canada, where they are paying the cost of roads, or advancing loans for water and sewerage and the rest of it. Without any disclosure, and there was one particularly obscure document tabled here last year, hundreds of pages, I think, it was, at least one hundred, the greatest gobbly-book in the world, sociological language, or language anyway that is used by sociologists and university types, which is supposedly a plan for the development of the Province. It was like going to the dentist, to read the thing, I mean it gave you a pain right in the tooth. I would not say where else it could give you a pain to read that document.

Now the minister is bringing in this amendment dealing with the power to enter into agreements with the Government of Canada. Could the minister, just in ordinary baby talk, as the Premier and the hon. the



MR. CROSBIE: Minister of Social Services and Rehabilitation, baby talk such as they speak, could he tell the House now when he answers, what are some of these agreements he wants the power to enter into?

MR. ROWE, W.N. Is that in order, Mr. Speaker?

MR. CROSBIE: Yes, that is definitely in order under the Bill. Do not worry about it. I would not mention it, if it were not.

AN HON. MEMBER: Inaudible.

MR. CROSBIE: Mr. Speaker, also, we are continually hearing about the five year plans that the minister is going to enter into. Now we all know that Prince Edward Island does have a ten year comprehensive development plan that was entered into several years ago. New Brunswick has two plans, I think. Quebec has a plan. But, Newfoundland, we have yet to see the Newfoundland plan. We saw some scrambled egg language of an alledged plan here last year. But, as far as I know, the minister has not entered into any five year plan or any ten year plan for the development of the Province. Or if he has it is not certainly very well known. He spoke in the House several days ago and said that, I think he said, that the agreements to be entered into this year, are going to be for a year. A year for certain, but it is going to be very flexible.

MR. ROWE, W.N. Four year, flexible.

MR. CROSBIE: Flexible is a great word in this House, Mr. Speaker, we heard about flexibility yesterday in connection with finances. We are suppose to gut the Audit and Revenue Act to give the Cabinet all the power the House used to have, so the Government can be flexible in approaching problems of borrowing money. Now, we hear about the flexibility that is needed in the Department of Community and Social Development to enable that department to do its thing. Well, I do not mind the department doing its thing, but I would like to understand what the thing is that the department is going to do. What is this thing? "What is this thing called love?" That is what the members of the Cabinet sing every day, when they sing "Night and Day," "You Are The One," and then they sing, "What is This Thing Called Love." What is this thing called the five year programme?

MR. CROSBIE: DPEE, it used to be called FRED. It used to be something else. I would like to see the minister give us some news on that.

What agreements have been entered into so far, if any, for Community or Social Development? This is apart from water and sewerage jobs and roads, we all want those. I do not care where the road gets paved, if we can get them all paved, grand. Water and sewerage is good everywhere, Mr. Speaker. The accessroad into St. John's is good. These are all grand things. But, what kind of agreements have been entered into, would the minister tell us, for Community or Social Development? Has he negotiated any of those yet? What agreements? Are there any agreements dealing specifically with the development of income and employment opportunities? Apart from the grants that they may give towards the creation of industry here, what are the programmes of research and investigation? Could the minister give us some example of what programmes in research and investigation he is undertaking in co-operation with Canada. Or, if there are none yet, could he tell us what they are working on? What kind of research?

I remember seeing one fascinating study, it was a study or an investigation into the in-structure of the people in Caplin Cove or something or other. Some fantastic study, the minister doubtless read it. I do not think he acted on it, if he did he would be awarded the Minister of Health now, in at here Majesty's Mental Hospital. How does that go, H.M.M.H? Is that the new wording for it?

MR. ROWE, W.N. H.M.N.D.

MR. CROSBIE: H.M.N.D.

MR. ROWE, W.N. Inaudible.

MR. CROSBIE: Oh, he is excellent today. Yes, the minister is doing a powerful job.

What are these agreements in Section (3) the minister mentions, agreements with Universities, Educational Institutions, Municipal Authorities? So I would like, Mr. Speaker, for the minister to give us, when he replies, some information, forget for the moment the announcements for paving roads, we have got those. Forget for the moment the announcements

MR. CROSBIE: about installing water and sewerage, we had those last year. Last year you could not dig a grave on the island, there were going to be so much water and sewerage pipes laid.

MR. SMALLWOOD: That was right.

MR. CROSBIE: There was not going to be a six feet of space left to put a body. That programme was killed getting started. Forget that. Forget the contracts for the accessroad. Forget the more spectacular and just tell us the real things that might count here in the future. What are these agreements the minister is working on? Give us some examples. He wants powers to enter into these agreements on his own without the consent of the Lieutenant Governor-in-Council. Let us here what these are. What is he working on? Behind the spectacular facade, which is mostly to be used for election purposes, the great sums of money that are going to be spent, we hope this year and the following years, what real detail stuff is being done for the development of the Province for increasing the employment opportunities, increasing the standard of living generally, improving community development? This is what I would like to hear him tell us. I am quite satisfied for the minister to have the power he asked for, Mr. Speaker, in this Bill. But, I would like to ask him now to give us a run down, and it will not take so long, apart from the spectacular expenditures of money, just what is his department doing? That department originally, when it was originally conceived, and I was a member of the Government when it was conceived, one of the conceivers, that department was suppose to be a staff department, not a lion department. It was going to be a department of perhaps, six or ten or fourteen people, who were going to do planning and co-ordination. And all the actual work was going to be done by the lion departments by Public Works, by Highways, by Municipal Affairs, and the other departments of Government. Well that concept got changed, the department got involved in resettlement, the department now has, I have not got my estimates, but

MR. CROSBIE: it must be well over one hundred employees. It is getting to be quite a gigantic department. And all we ever hear about is the water and sewer contracts and the road contracts, yes and schools, construction of schools.

So, if the minister could just, when he answers, just give us, we have no objection to his having this power, but what else is he doing besides these things that we hear mentioned that are popular? What are the other kinds of things that are going to improve the Province, we hope, that he wants permission to enter into?

MR. EARLE: Mr. Speaker, just very briefly on this Bill, agreeing with my hon. friend, the member for St. John's West, I think, it is very confusing the language, of course, of this particular department is probably the most confusing used anywhere in Government. I think the people of Newfoundland are becoming even more confused as to what the actual activity of the department means. It does appear to the average citizen that there has been tremendous amounts of money expended on research and investigation and all that sort of thing. Well is that going to be the do-all and end-all in creating jobs? Is everyone in Newfoundland going to be a researcher and an investigator and an examiner, or are we going to produce some practical results?

The minister outlined a few days ago a programme which was largely a repetition of something which was promised last year. And, similarly, we were told last year, very definitely, that this agreement was to be signed. I believe the date was almost named, July something or other, one of these many agreements was to be signed and everything was going to hum from there on. Well, this is nearly July of the year following, and the agreement has not still been signed. The suspicion is being aroused in some of us over here and, I think, in the general public that perhaps the flexibility which the minister is asking for in his dealings with Ottawa is not a flexibility at all but a restriction, insofar as Ottawa is taking a second look at a lot of these things, they perhaps are using tactics of delay, which are covered by a very high-sounding word such as, surveys and examinations.

MR. FARLE: and so on. This type of thing to cover up their unwillingness in a sense to enter into some of these agreements.

Now if that suspicious is correct, and it is not merely a matter of investigating things to the point of being absolutely sure of what we are undertaking or what has been undertaken in this Province, this is the sort of thing which, I think, the minister should clarify in his answers. It is also puzzling and confusing that we hear of agreements, we hear of all sorts of the highly qualified employees looking into this, that and the other thing, what are they looking into? What types of agreements are they going to produce? What is going to come from these agreements?

Surely, after these years of work in this department, the minister must be in a position to outline some real activities and not, as my colleague just said, a programme of road construction, water and sewer and so on, which is largely, I have to agree, election bait, particularly when this same sort of a thing was predicted last year and it did not come to pass. The expenditure last year was very, very much below what had been predicted in this House, which would give



everyone to think or lead everybody to think that perhaps the expenditures which are predicted for this year may in a similar vein be very much less than they are now. This kind of double talk which is in essence beclouding the issue and fooling the people is leading to a great deal of concern all over the Province, In this amendment to the Bill or this Bill the Minister says he is asking for more flexibility to enter into these agreements. What is the purpose of the flexibility? Is it to speed them up, is it to make them clearer, is it to make them more understandable by the people or is it to further cloud the issue and to cover up on activities which are contemplated, announced that it is going to be done and finally disappear into a veil of secrecy under some sort of survey or examination which just seems to peter out.

Now, I can well understand, with the history of the expenditures of this Province, that Ottawa is not going to just enter into a blanket agreement and let everybody down here spend money on projects, pet projects all over the country, on what they think is best, without really trying to find out if these things are of value. Possibly this may be the reason why Ottawa is becoming super, super cautious on this end, demanding more and more agreements and more and more investigations. But there must be an end to this vicious circle somewhere, because what it has developed into now is just a continuing circle of examinations and agreements and so on, without an awful lot materializing. Newfoundland and Newfoundlanders just cannot afford to sit back and wait for people to do these surveys and examinations without seeing concrete results. If this year the same sort of thing is repeated as transpired last year, I think there will be a great loss of faith in these so-called agreements. These, Mr. Speaker, are my only comments on the Bill because I do think that to the public generally and certainly to us in this House, what has been attempted and what is



going on is a complete blanket of secrecy. We have no idea. We are not being given the information and all we see is sometimes a list of projects which the minister says will be carried out which, if we look at the history of last year, may very well not be carried out.

MR.W.ROWE: Mr. Speaker, some of the remarks made by hon. members opposite of course are more properly for the budget debate or on the estimates of my department when they are brought in. This Bill merely asks this House to allow the minister of the department to sign certain, to enter into certain minor agreements, minor in terms of the amount of money expended and minor in terms of their scope, with other agencies or government. In other words, it merely changes the power of the minister to do this without the approval of the Lieutenant-Governor in Council. I have had no objection, when the time comes, to talking about many of the matters which hon. members have mentioned. There was one valid point which the hon. member for St. John's West brought up, just what type of agreements are envisaged under Section 3 (a) and (b) and Section 2 (b) of Section 9 of the amendment?

The types of agreements we are talking about are research agreements with the Federal Government and with say the University and other consulting groups; For example, there is a need in certain of the special areas or prospective special areas in the province, under the DREE Agreement, a need for studies for additional townsite development and infrastructure needs in these special areas. There is a need for certain agreements with regard to economic opportunities an infrastructure needs and a need for certain community development projects -

AN.HON.MEMBER: (inaudible)

MR.ROWE: Job opportunities, what types of things can be entered into either with the help of DREE grants or with the help of ARDA grants to set up various projects in various areas and in special areas and

otherwise to make it more economically viable for people to live and remain there. There is a study, for example, which we entered into already and which we will continue to enter into on the needs for post-secondary education in the province. This will be done in conjunction with the Department of Education but because we will get half or more of the cost of such studies from Ottawa, from DREE, and because this department, Community and Social Development, is the department which DREE enters into agreements with primarily, as a co-ordinating department, it is thought necessary that I or the minister sign the agreements and act as a coordinating department with all the other departments. So on this study in the works for a post-secondary education needs in the Province, last year we entered into an agreement with two professors at Memorial University, Education Professors, to study the primary and secondary education in the Province of Newfoundland and Labrador.

Not a massive survey but a study in which they would take advantage of their own experience and opinions in that area and draw upon other resources in order to advise the department, which I happen to be the Minister of, and to advise the department of Education, in that case, to help us to have more background when dealing with Ottawa and also to help make Ottawa see our point of view in certain cases. Also, in many cases it is not a matter of confrontation between ourselves and Ottawa. It is a matter of both governments wanting the benefit of certain expertise and expert opinion and advice on certain relatively small matters affecting future DREE programmes or ARDA Agreements or forestry agreements, for example, or mineral development agreements.

There is another study possibly in the works, concerned about the potential for tourist development in certain areas of the Province. Now that would appear to be a funny area for my particular department to be getting into but I must stress that it was entered into, by my department

as the co-ordinator between say the department of Economic Development and DREE in Ottawa, DREE acting as the co-ordinator for the other federal departments in Ottawa. The function of my department, the Department of Community and Social Development, is to act not as a line department, except in certain areas, for example, resettlement and well-drilling and that sort of thing. But the primary function of the Department of Community and Social Development is to serve as a focal point for all the departments of this government in our negotiations with DREE in Ottawa, and the primary function for DREE in Ottawa, besides funding the programmes which we enter into and the agreements which we enter into, is to act as a focal point and a co-ordinator for all the other Ottawa departments which might be interested in various developments in the Province. This has, I would submit, Your Honour, has the benefit of getting rid of duplication of effort. It has the benefit of allowing programmes and plans to proceed more efficiently more quickly and with more departments with more knowledge as to what is going on than has been the case hitherto.

There is another small agreement in the works, for example, which is concerned with the potential expansion of large scale fishing, fish processing, in various places in the Province, on the Burin Peninsula for example or on the North East Coast of Newfoundland or the North West Coast of Newfoundland or on the South West Coast of Newfoundland. Again this is not to be taken as a usurpation by the Department of Community and Social Development of the functions ordinarily dealt with or undertaken by the Department of Fisheries in Newfoundland or a usurpation by DREE of the functions of the Department of Fisheries or Environment in Ottawa. All it means is that we, the two departments mentioned, DREE and Community and Social Development, are acting as coordinators in order to make sure that the most efficient channels of communication, most efficient channels of action are entered into

at the beginning and that we can proceed with the programme as quickly as possible. I do not have a list of the various minor contracts which we have entered into to date, with the University or with consulting groups but I would be more than happy to supply the hon. member with such a list. I was under the impression that I had tabled a list in the House last year for the information of the members, if I have not I will check that point, if I have not I will make certain that I will in the future and that the member for St. John's West particularly will get a copy delivered to him by hand.

MR. CROSBIE: Would the minister permit a question? Would the Minister tell the House whether his department or the Government of Canada is having a study undertaken in the Province at the moment to do with political matters by one Melvin Goldfarm, political study is now going on at Placentia, Clarenville and St. John's and around the island or is it that this Provincial Liberal Party is having that study undertaken?

MR. ROWE: The question to my mind is beneath contempt, and I must say that I have no, absolutely no knowledge of what the hon. member is talking about.

On motion Bill read a second time, ordered referred to a Committee of the Whole House on tomorrow.

Item 22, A Bill, An Act Further To Amend The Memorial University (Pensions) Act."

MR. CROSBIE: I moved a motion, that we debate a matter of urgent public importance. When is that point going to be dealt with if the afternoon goes and it is not dealt with, the motion that I have moved, that we debate a matter of urgent public importance? There is no decision yet from the Chair for some reason.

MR. NOEL: That matter is in the hands of the Speaker and I understood that he informed the House that he would consider the matter and give his ruling sometime during the session this afternoon.

MR.F.W.ROWE(Education):    Mr. Speaker, this is one of these formal amendments that the House is frequently called on to make in the interest of changing conditions or in the interest of elaboration or modification, necessitated by the development of events. The House is well aware of the fact that we have a Public Services (Pension) Act in fact we have a Teachers' Pensions Act and we have a University (Pensions) Act, the University has its own Pensions Act and, to a great extent, these Acts and indeed the Pension Acts of other semi-government bodies are inter-related. They are in respect of the Teachers' pension and the public services pensions, what we refer to normally as the Civil Service Pensions Act. They are reciprocal or the next thing to it, there is reciprocation. Thus if a teacher becomes a magistrate, as frequently happens, and he has fifteen years of pensionability he carries those fifteen years over into the public service, if he then teaches for another fifteen years or works as a magistrate for another fifteen or twenty years, he then is entitled to his full pension. This thing works both ways. In respect of the University, however, it is not fully reciprocal. If a person from the University comes into the public service he gets credit for his years as a teacher or a professor. But, I understand that in the Memorial University (Pensions) Act there is no provision whereby someone in the public service can revert to university work and get credit for that.

In other words, to use a concrete example, a very good example, the present deputy Minister of Education, Mr. Hanley, was at one time a professor at Memorial and when he transferred over to the Department of Education, as a superintendent, as a civil servant, he brought his years with him. But if today he were to go back into the University, which is a theoretical possibility, and I doubt in his case because he has not many years left before retirement, but it could apply in his case and certainly in the case of other professional men in the department of education, for example.

if Mr. Hanley were to go back to the University, under the present University Act he would not get any credit for the years he has spent as Deputy-Minister of Education. This of course, it was not the government, apparently it was an oversight in the framers of the original University Pensions Act and certainly it was no design of this House or of the government. This Bill simply rectifies that omission there so that the University Pensions Act will enable persons working in the public service, who go into the University service, to carry their years of service with them. I move second reading.



MR. EARLE: A couple of questions under this, Mr. Speaker, I am wondering if this goes all the way up to nine, does this apply also to perhaps ministers of the Crown who have been in the service, as ministers or public servants, and then that man would retire to the University, does this allow the pension to carry on? And would the Minister answer this when he replies also, just for a matter of information to the House, are the teachers at the Vocational Technological Schools civil servants for pension purposes or are they teachers? Do they come under the teachers pension or under the civil service pension regulations?

MR. MURPHY: There is just one question that I would like to ask, which is this: Take the case of, the minister mentioned Mr. Henley, he has accumulated years of service here, naturally enough, should he retire, I presume his accumulated pension would be due him at the age of retirement? And then his years at the University, he would accumulate another pension.

AN HON. MEMBER: Inaudible.

MR. MURPHY: He would not, he is too old?

AN HON. MEMBER: Inaudible.

MR. MURPHY: The point that I am trying to make is this; say he was due his pension here after many years of service, the Government would pay him a pension, and then he would go, it could be to any other job, where he could accumulate another pension, you know, so that is just a question, he would not be done out of a pension for forty years say, if he served thirty here and then get ten years at the University? The only thing, he would be getting two checks, one from the University and one from the Provincial Government. That is not the fact, is it?

MR. ROWE, F.W. Mr. Speaker, if no one wishes to speak.

MR. SPEAKER: We will close the debate.

MR. ROWE, F.W. In answer to the question raised by my hon. friend from Fortune Bay; members of the House of Assembly; My recollection is that, they are covered under a completely separate Act, not under the Civil

MR. ROWE, F.W. Service Act. Number one, I do not think, this would apply here, I am quite sure the service in this House would not count, if one went over there, to the University as it were. Take a concrete example; if I went over to the University, I could not get any credit for it. And in any case, out of curiosity, I have no plans nor ambition.

The other question raised by my hon. friend, the second question was what about Vocational Teachers? Vocational Teachers are not covered in the Teachers Pension Act, The Teachers Pension Act covers only the teachers in the ordinary schools of the Province. The Vocational teachers are covered under the Public Service Act, They are covered under the Civil Service Act.

Now take a case such as Mr. Henley's, which is a very good case, because it is a concrete example. He is not covered at all under the Memorial University Pensions Act. He was a professor at that University for some years, but when he came over to the Civil Service he brought his years with him. This has always been possible under the Civil Service Act. I had, speaking personally, I had fifteen years of pensionability under the Teachers Pensions Act. I then became a Deputy Minister, on which I immediately became a civil servant, and I brought my fifteen years of service there, and they would have been added had I remained a civil servant, they would have had been added to my years as a civil servant. In Mr. Henley's case, for example, when he is pensioned in, I think, three years time, his pension will be based on his years as a teacher, his years at the university and his years as a civil servant, up to the maximum number permissible under the Act, which I think is thirty-five years. Speaking from memory, I think it is thirty-five years. But, now this would protect persons in reverse, that is, if Mr. Henley, for example, were to go back into the University service, he would not lose the years he accumulated here as a public servant. He would take that over to the university and when he retired, in three years time, he would automatically get credit for the years that he carried over to the University plus the years that he spent at the university.

MR. ROWE. F.W. Mr. Speaker, I might say that when this is in committee, if there is any other question on it, we could always deal with a specific question. I move, second reading.

Motion: Second reading of a Bill, "An Act Further To Amend The Memorial University Pensions Act," ordered to a Committee of the Whole House on tomorrow.

MR. SPEAKER: Before proceeding further: As I had advised the House a little earlier, I would give the decision on the matter of the adjournment of the House on a matter of urgent public importance.

May I quote, first of all, from Beauchesne, Page 90, sub-section 3, "urgency within this Rule does not apply to the matter itself. But it means urgency of debate when the ordinary opportunity provided by the rules of the House do not permit the subject to be brought on early enough and public interest demands that discussion take place immediately." Secondly, let me quote to you as well, from Sub-section 5, "The adjournment of the House cannot be moved with reference to critical conditions generally prevailing in certain parts of the country." Our own Standing Orders also state (1) that when the motion is made for leave to adjourn the House, the person moving it hands a written statement of the matter proposed to be discussed to the Speaker, who, if he think it in order and of urgent public importance, reads it out and asks whether the member has leave of the House or not. The responsibility of the Speaker is to decide whether it is in order and if the debate on it is so urgent that it must be gone into immediately."

Sub-section (2) of section (f), on Page 15 of our Standing Orders, states as well - they have a number here on page 15, "the right to move the adjournment of the House for the above purposes is subject to the following restriction: I will just read one of them. "The right to move the adjournment of the House for the purposes is subject to the following restriction. And I say I will just read one of these restrictions. "Not more than one matter may be discussed on the same motion," Taking all

MR. SPEAKER: these matters into consideration, and I know that the matter itself is probably urgent. I think the rules provide for and the Orders of the Day provide for that it will not be very long before we are into the Budget Debate. I do not think, therefore, the urgency of debate exist in this instance. Furthermore, that it is dealing with a section of the Province and, thirdly, that there are at least three items, three separate subjects named in the motion itself.

For these reasons, I cannot accept the motion for leave to adjourn the House to discuss this particular matter outlined in the motion.

MR. MURPHY: Mr. Speaker, if I may, I do not know what my position is, I maybe entirely out of order. But, I have heard these motions so many times moved and the Speaker delivers his rule, as he does today, and I would just like to know; how can we debate at any time a matter of urgency in this House? All the rules seem to preclude, you know, on this particular matter and I just give him my thought on this, where a certain ratio of employees are set up in Labrador City.

MR. SPEAKER: I will reply to the hon. member in this way. To begin with it is not in order to discuss the ruling, and I know that the hon. member has pointed out that he was not discussing the ruling he was asking, which is still not in order. He is asking a hypothetical question that the Chair is not at liberty to answer.

I will say this much that there are occasions, a number of occasions, when the House can be adjourned to discuss a matter of public importance. It has been done and there are situations in which the urgency of the debate is present, but I do not think that it is present in this instance

But there are certain times when it is present, and when it is present and the Speaker feels that it is, then he puts the question to the House, as to whether the hon. the member has leave to make the motion. Even after the Speaker accepts it, It is up to the House to decide whether the hon. member has leave to make that motion or not. I think, that the hon. member understands that. Plus the fact that in this instance, at least

MR. SPEAKER: there were three different subjects in the same motion, Orders are clear, you can only discuss one, on a matter of urgent public importance.

Could we go on to number forty.

MR. CROSBIE: Mr. Speaker, I would like to appeal the ruling, because I do not agree with either. The debate is urgent. It affects the whole Province, because everybody who works at Churchill Falls comes from the whole Province. And the only subject is employment at Churchill Falls.

MR. SPEAKER: The hon. the member is appealing the ruling. The motion that I have to put to the House is: That the Speaker's ruling be sustained. Those in favour of the motion, please say "aye", contrary minded, "nay".

I declare the motion carried.

MR. CURTIS: Number forty.

Motion: Second reading of a Bill, "An Act Further To Amend The Annual Vacations With Pay Act of 1969." (Bill No. 40)

HON. E. M. ROBERTS: Mr. Speaker, as my colleague the Minister of Labour, in whose name this still stands, is absent from Newfoundland, as Your Honour is aware, he is in Ottawa, as the Minister of Labour, attending a meeting of the eleven Ministers of Labour from across Canada. As he is away I rise in his behalf to move that this Bill be now read a second time.

Mr. Speaker I have a choice, I can either go on for some considerable time and talk about the Vacations With Pay Act or I can talk very briefly about the purpose of the amendment, and I will take the latter.

MR. ROBERTS: I will try and explain it, if I understand it, and if not perhaps a combination of a reply in closing the debate on second reading and then subsequently at the Committee stage.

Basically, as I understand, the purpose of the amending Bill is to, in effect, Sir, to plug some loopholes that have been discovered to exist in the administration of the Vacation With Pay Act. The Vacation With Pay Act itself, of course, is a fairly straight-forward piece of legislation. It puts into effect the principle, in the world in which we



MR. ROBERTS: live, a person should be entitled as a right to, or by statute law, a certain amount of vacation. That is set by the principal Bill as being four percent of his annual earnings or roughly two weeks a year. In effect then, Sir, under the principal Act, any person employed within the definitions of the Act must receive either two weeks pay or four percent of his annual salary in lieu thereof.

Now in administering the Act my colleague and his officials have discovered some defects. They are not terribly substantial they are relatively minor, I believe, but they are attempted to be set straight by the amendments in this Bill now before us. Among them, Sir, (and they are set forth in the explanatory notes) is a provision to amend the definition of total wage. The effect of that is to exclude the remuneration in respect of overtime work and so on. In other words the four percent of his annual salary is the four percent of his regular annual salary and not such things as overtime work, to exclude that and to put back in the words "to expand that, excluding tips and other gratuities and bonuses voluntarily provided and excluding the remuneration in respect of overtime work that he performs, Sir, for his employer. In other words, Sir, the exclusion of overtime is made a little broader the exclusion of overtime is broadened by excluding and dropping, if Your Honour is still with me, tips and other voluntarily bonus.

The principle is quite simple. Sir, the vacation with pay, the four percent principle applies only to the regular annual salary. For example, if the hon. the Leader of the Opposition were subject to this, I do not believe, he is, but his sessional indemnity being (what is it?) \$6600, he would only be entitled to four percent of that and not four percent of any tips or overtime he might get from any other source. That is one of the things that this Bill does.

It also, Sir, says the minimum employment period, the minimum employment period is set as being seven days. That to me seems fairly reasonable. If a person is employed for less than seven days, really I mean it is pretty hard to maintain he is entitled to vacation pay.



MR. ROBERTS: There are a couple of other minor changes again in administration, a redefinition of regular working hours, a restatement, by amendment, of the point in time at which the vacation pay or separation is to be paid.

The other thing that the Bill does, Sir, and there are a number of consequential amendments, but they are very straight-forward, is to repeal and substitute the provisions for collection of the pay that is not paid, the administrative provision. And we have found the present procedure to be a little cumbersome and so we suggest that the present procedure as set forth in the latter parts of the Bill before us now.

MR. ROBERTS: I am sure hon. members will study this with closeness and great care. Briefly then, Sir, we think The Vacations With Pay Act is a very good piece of legislation. I might add we are looking at another point entirely that is not on the Bill, the present Act does not apply to trawler fishermen and it is a matter that we now have very much under study, whether or not we should extend the principle so that it does apply to people working on our trawlers. In some cases, companies have granted this voluntarily, in agreements they have worked out with the unions representing their employees working on trawlers. We think there is a case for making it mandatory and we are now looking into that.

In any event Sir, it is a very simple Bill although it is rather complicated in its wording because when we lawyers get hold of these things Mr. Speaker, as your Honour is aware, we do tend to try copper-fastening and that is another way of saying we do tend to take a great many more words than ordinary simple men of business would need. My colleague, the Minister of Public Works, with perhaps his twenty-two years of experience behind him, has said we could tangle it up so that nobody else will understand it. He is not quite correct, Sir, another lawyer will understand it, and that is sort of why we do it, because we then need another lawyer to untangle it.

In any event, Mr. Speaker, I now move the second reading of the Bill.

MR. EARLE: Mr. Speaker, just a question to the hon. Minister, it is actually a repetition of a question I asked on another Bill, the other day, which did refer to this vacations with pay.

Am I clear in the understanding, in reading this, that any employee that works for as little as seven days is entitled to vacation pay and if he is dismissed in any period immediately after seven days, he is entitled to four per cent of what he was paid in that seven days? This is as I read the Act here. If that is so, did this

MR. EARLE: not apply under the old Act? Was this applicable under the old Act or did the employee have to go for a longer period. Possibly several months before he became entitled to vacation pay? These are questions I should like the Minister to answer.

I mentioned a particular case the other day, which came to my notice, and if an employee is employed on a weekly basis and for reasons claims that he was ill, without producing a doctor's certificate, but he does stay off, can he contend that he worked for ninety per cent of the time? How is this sort of thing determined? Is it the case of an argument with an examiner or somebody who would dispute this or is it a downright ruling by the Department that a man is assumed to have worked for seven days and, therefore, he must get four per cent of his salary?

MR. MURPHY: Mr. Speaker, there is just one question I would like to ask. With all these Acts dealing with labour, how closely does Government work with labour unions on this type of thing? Is it an on-going thing? When we decide to bring in some labour legislation, do we sit down with labour unions or Confederation of Labour and discuss this or do we just copy it, without consultation with any labour authorities?

My feeling is, quite frankly, that if we are going to preserve peace with labour, that there should be more of an on-going consultation with labour authorities and try to foresee and perhaps avoid some of the labour unrest we have had. One direct question I must ask is that when the Government decides to bring in something like this, like perhaps the teachers, I think they consult with teachers of whatever area, usually some advise is sought in the framing of legislation, just how closely is the Department of Labour, as such, working with organized labour whether it be a representative of one particular union or the whole labour body.

Perhaps when the Minister answers he may or may not be able to give me this but I think it is so essential that I think any labour legislation we

MR. MURPHY: draft should be in consultation with, perhaps not at the direction of, but in consultation with labour representatives as a whole.

MR. SPEAKER: I have to advise the hon. Minister if he speaks now he closes the debate.

MR. ROBERTS: Mr. Speaker, with respect to the question raised by the hon. member from Fortune Bay, I cannot answer him but I will undertake to have the information for committee stage, I have the 1970 amendment to the Vacation With Pay Act here and it does not give me the information I need, I will have to get the 1969 Act.

He asks further, that was the first part, does the four per cent apply to someone who works say twenty-eight days. He asks, secondly, in effect who settles the argument as to how long a man has worked? I think if the hon. gentleman looked at Section 29 as it will be amended, that probably gives the answer. In essence, Sir, it is up to an inspector, an inspector being a Government official, to make the determination and there are appeal provisions set forth for appeals from the rulings of the inspector.

With respect to the point made by the hon. gentleman who leads the Opposition, the member for St. John's Centre, I, as he will appreciate, cannot answer in detail, I can, however, say that my understanding and my knowledge is that on most Bills effecting groups, the Government, in an informal way, do consult with the groups concerned. Sometimes I believe the actual draft of legislation are submitted and sent out. I have done this myself on occasion, indeed for example, Mr. Speaker, a Bill which today the House read for the first time, on The Newfoundland Medical Care Act, I have discussed with representatives of the Medical Association and with representatives of The Dental Association, two of the groups affected. I believe my colleague, the Minister of Education, on occasion has done it.

MR. ROBERTS: I do not know, sometimes we do it by means of draft legislation other times by means of a discussion of the principles involved. I cannot speak specifically on these pieces of legislation, I can say however, and while I am speaking from memory I am fairly certain on the point, Sir, we do each year receive a brief from the Federation of Labour, which is the largest single organized labour body in the Province. I suppose it represents one-half to two-thirds of the organized labour, but it is the largest single body that one can find, but we do receive a brief from them. We also receive a brief from the Legislative Committee of the Railway Brotherhoods, Senator Duggan for many years was their spokesman, now he is gone to the Senate he is no longer as active in that context, but there are other gentlemen, of course, who have succeeded him.

These briefs, which are usually made public, I believe, by the bodies, after they have been presented to us, inevitably Sir, contain requests and suggestions for various bits and pieces of legislation and in many cases these Bills, and I suspect the Bills in question here, and the Bill now before the Committee is one such Bill, if that is so we would probably go back and check the legal drafting.

But generally, Mr. Speaker, the policy is where a group is particularly concerned to seek views, often on an informal basis, it would cause difficulties obviously if legislation were to be flogged around on a formal basis. On occasion, of course, we have used Select Committees of the House when people present views in detail. But in any event, Mr. Speaker, I feel confident that this Bill is one that would be acceptable to any employee in the Province as it improves somewhat the employees' rights, makes them a little clearer and thus a little more certain. I think that deals with the hon. gentleman's

MR. ROBERTS: question. Then, Mr. Speaker, that being all I have to say, I will sit down. Thank you!

On motion a Bill, "An Act Further To Amend The Annual Vacations With Pay Act, 1969," read a second time, ordered referred to a Committee of the Whole House on tomorrow.

Motion second reading of a Bill, "An Act Further To Amend The Wills Act," Bill No. 43.

MR. LEWIS: I have been asked by my hon. colleague, the Attorney General, to move the second reading of this Bill. I do not know why it has been assigned to me. It is certainly not evidence of his timing.

The Bill itself is a simple one and yet it is a bit revolutionary. It has the effect, Sir, of changing basic principles of Common Law and of ancient heritage.

The first feature is. that it purports to amend the provisions of the Wills Act, as it now stands, since it provides for the ratification of a will upon marriage.

Under this Amendment, a will is not revoked per se by marriage, if there is a declaration to the contrary appearing in the will that it has been made in contemplation of marriage.

That is an amendment of rather far-reaching importance, but it stems from the study that has been made by the Commissioners for the Uniformity of Legislation in Canada and is one of the recommendations, I understand, made by the Commission headed by Dr. Gushue, which made a study of the changes in Family Law.

The second and by far the more far-reaching effect is the legitimization of bastards, insofar as the right of inheritance is concerned.

Now, as the House well knows, a bastard child is a nes nullius under Common Law and in fact that principle has its roots in Roman Law and in the Ecclesiastical Law and even in the Laws of Hammurabi. A bastard child could not inherit.



MR. LEWIS: Under this proposed amendment, an illegitimate child of a mother is legitimized insofar as the mother is concerned but not the father. The reason advanced for recommending this partial change in the basic law, is the fact that the establishment of parenthood, so far as the mother is concerned, would appear to be a matter of no doubt whereas the same does not apply from the standpoint of the father, the parent on the male side.

As I say the amendments proposed are revolutionary but are supposed to be in keeping with the philosophies and thinking of today, the present day. It seems to be directed towards changing principles, legal principles, that have been established over the centuries.

Rightly or wrongly, I move second reading:

MR. CROSBIE: Mr. Speaker, I rise in support of the changes and I think that they are very welcome changes. As a matter of fact, I just had to advise a party, two weeks ago, who was getting married and wished to do a will in contemplation of marriage that under our Wills Act, that is before this amendment passes now, that it did not matter if his will said that he was making it in contemplation of marriage, it would automatically be revoked the minute that he got married to the girl he is going to marry and that there was no point in making the will now. He would have to wait until the night of the honeymoon, since he was leaving the Province the next day, he would have to spend the night of his honeymoon working on his will.

MR. CROSBIE: I suspect, Mr. Speaker, that perhaps the draftsman of this amendment has been forced into that position himself, that he had to spend the night of his honeymoon doing his will. But, it could not be done in contemplation of marriage.

Obviously, Mr. Speaker, if a will declares that it is being made in contemplation of a man's or woman's marriage, it should be valid, that amendment has been passed long ago in England and in other provinces. It should certainly be passed here and I support it wholeheartedly.

I feel the change with respect to illegitimate children is necessary. I am sure there have been cases of hardships where a man or woman made a will leaving a certain amount of money to his children, knowing that he had an illegitimate child or perhaps they were all illegitimate for some technological reason, Thinking that by using the word children, that these children although legitimate would be included, only for them to discover, after his death, that under the Law as it applied the word child in a will did not include illegitimate children. And, obviously, this is a change that is necessary, then if a person has illegitimate children that he does not want to include in his will, he can instruct his lawyer that he does not want to include them. But there has been a lot of hardship caused by the fact, when people use the word children, then actually referred to all their children, whether legitimate or illegitimate.

AN HON. MEMBER: Known or unknown.

MR. CROSBIE: Well, the unknown they may not be referring to The known in any event. So, as I see it, it is a welcome step forward in legislative reform. And this is the kind of thing that is a result of the Gushue Commission, which is good. But it is a kind of thing that the Law Reform Commission should do when it gets going.

AN HON. MEMBER: The nine months hoist.

MR. CROSBIE: There are some Bills introduced in this House, that should get the nine months hoist, all right.

MR. STRICKLAND: These are the ones that are illconceived.

MR. CROSBIE: The ill conceived ones. So, Mr. Speaker, I certainly welcome this and I think it is a very good step forward.

MR. SPEAKER: It is moved and seconded that this Bill be now read a second time.

On Motion a Bill, "An Act Further To Amend The Wills Act," read a second time, ordered referred to a Committee of the Whole House on tomorrow.

COMMITTEE OF THE WHOLE

Bills, Items 2 to 17.

MR. CHAIRMAN: Order!

MR. CURTIS: Item 2

MR. CHAIRMAN: Item 2 "An Act Respecting The Department Of Social Services and Rehabilitation." (Bill No. 13)

MR. ROBERTS: Mr. Chairman, before the Committee begins, as my colleague the minister is absent, would the Committee give leave, I will try to deal with it, but could I have the Assistant Deputy Minister of Social Services and Rehabilitation sit with me, because he knows the details and I certainly do not. Would that be in order, Sir?

MR. CHAIRMAN: All right.

On motion Clause 1 through 3 carried.

MR. CROSBIE: Clause 4, Mr. Chairman, I wonder if the minister could tell me, the Department has a Deputy Minister of Social Services that is Mr. Andrews, and two assistant Deputy Ministers. I think one is Mr. Roberts. Mr. Hollett is it? Now the Minister of Welfare, in answering a question, said that an enquiry into the fire at the Girls Home last fall was conducted by Mr. Roberts, his Assistant Deputy Minister. Could the Minister tell us who else was involved into the enquiry. There was an enquiry made, who made the enquiry?

MR. ROBERTS: Mr. Chairman, I am told that the other gentleman who assisted Mr. Roberts, Mr. Roy Roberts, the other Assistant Deputy Minister of the Department, he was assisted by a person from the University and by other departmental officials. I would assume, speaking from my own knowledge

MR. ROBERTS: of the way that the department operated, such people as the Director of Institutions and the other senior staff would sit with him and advise him and go with him, but apparently it was an internal enquiry, but with the assistance of a person from the University, faculty work, social work, or the faculty of social work at the University.

On Motion Clauses 4 through 7 carried.

MR. CROSBIE: Clause 8, Mr. Chairman, I wonder would the minister explain for us, this clause gives the minister power in connection with the adoption of children. There has been quite a controversy lately raised privately and not publicly, in connection with an adoption of a certain child. Does the minister, what does he actually do in connection with adoptions? Is there an adoption board that handles that and the minister just goes by their decision? Or does the minister make the decision himself? How does the adoption work?

MR. ROBERTS: Mr. Chairman, where the power is reserved, by legislation, to the minister and the hon. gentleman knows there are certain types of applications in respect of adoptions in which the minister has the power, and of course, Sir, he must exercise that power himself. I am sure in so doing he is guided by the advice of his Deputy Minister and by I would think, particularly, the Director of Child Welfare, Mr. Vincent, is Director of Child Welfare and he has been many years in the field and he is very well versed. But, where the minister is by legislation required to make the decision, it would surely be very wrong, if the minister himself did not in fact take the decision, he would take advice surely from his officials. I do not know the details of the case in question, obviously there is an actual case. If I can, it may be out of order, the hon. gentleman does not want to raise it, but maybe we can go outside of the Chamber.

MR. CROSBIE: Right. There is no adoptions board, the officials of the department who will decide.

MR. ROBERTS: No, Mr. Chairman, there is a Director of Child Welfare, Mr. Vincent, who is one of the senior people in the department.

MR. ROBERTS: there is a Director of Field Services, there is a Director of Social Assistance, there is a Director of Institutions, there is a Director of Training. There are, I think, seven men. There are seven Directors who answer immediately to each of them, to one of the two assistant Deputy Ministers, each of whom in turn answers directly to the Deputy Minister.

MR. CROSBIE: Well, Mr. Chairman, my only comment on that would be this, that I would think and that it would be much better for the Government certainly much better for the minister if a matter such as the adoption of children would not be decided by the minister. I would think, myself, it would be much better if a question such as adoption of children were decided by some kind of an independent board, rather than having a political minister involved in that decision. So, in my views, I think it is a poor way to handle the adoption of children. I mean I am not going to move that this be deleted and so on. Obviously, at the present time the minister has to have the power. But, I would suggest that the Government consider the change in that director. So, that this is not a ministerial, political minister's decision, but rather a decision of some kind of board.

The other question I had, was the minister's powers also extend to the administration of all laws relating to juvenile delinquency within the jurisdiction of the Province? As I understand it, there is legislation before the House of Commons now dealing with a revision of the whole law to apply with juveniles. It is before a committee of the House of Commons now. Are our Government being consulted on this? And have we taken any particular stand on this legislation that the minister has to administer?

MR. ROBERTS: Mr. Chairman, the Solicitor General of Canada, Mr. Coyer, who acts as the minister responsible for the Child Defenders Bill, I think, it is called, (The Child Defenders Bill) has consulted me in my task as Minister of Health, and also my colleague, the Minister of Social Services and Rehabilitation. Each of us in behalf of this Government have replied, we have raised, I believe, some very strong objections to



MR. ROBERTS: a number of points in the Bill. I believe, the Bill now is before a Committee in Ottawa, before a Committee of the House of Commons, under their procedure. And, I understood that the representations made by our Government and the Governments of other provinces and by other bodies would be brought to the attention of the Committee.

With reference to the hon. gentleman's first remark, adoptions, of course, as he well knows, are not made by the minister, they are made only by a court order. The normal process does not involve the minister at all. As I recall it, the minister is involved in adoption proceedings only when one of the adopting parents is less than twenty-five years older than the child proposed to be adopted. And are there any other case? I think that is probably the only one, there are several laid down by the statutes, but, generally, the Director of Child Welfare, Mr. Vincent, is the man who has the final say in the department on adoptions. The minister, of course, is responsible, as he is responsible for all acts, but I am quite sure have not changed and I can assure the hon. gentleman, Sir, that in my year or so in the department, you know, I was consulted from time to time, adoptions really there are so many of them, the systems works so superlatively well, there are obviously some problems. But, it works so well that the minister is not involved. It is not a political matter, it is dealt with at an administrative level.

There were a total I am told of 527 adoptions processed in Newfoundland last year.

MR. HICKMAN: Mr. Chairman, Dr. Gushue in one of his projects, one of his reports, dealt with adoption, and aroused a great deal of favourable comment from churches and social agencies that are involved in this type of work. It seems to me that the Gushue recommendation, all they are doing is bringing the Adoption Law to this Province in <sup>line</sup> with twentieth century thinking. The time has come, indeed I suspect it has passed, for this Province to have a new Adoption Act and new concepts and new principles insofar as the Law of Adoption is concerned. The fact that we have had 500 this year, does not mean that some undue hardship has not been from time to time, hardship is not the word, agonizing disappointment to



MR. HICKMAN: the prespective adopting parents from time to time, had become evident in this Province, it can be so easily eliminated by bringing our Law into line with the best we find in other jurisdictions.

While I am on my feet, Mr. Chairman, there is another point that I would like to raise under this same section. The hon. the member for St. John's East Extern asked two questions of the minister responsible for this Act this year, concerning the activities in Marystown of a welfare office. And, there was a suggestion that this welfare officer was disciplined, but later that he was only witnessing letters. Now, Mr. Chairman, I suggest that welfare officers have to be particularly careful, scrupulously careful that they do not become

Mr. Hickman.

involved in matters other than the administration and performance of their duties under this Act. The case that I speak of involved a labour dispute in Marystown where it is alleged in the press, and the minister indicated that it was a fact, in his reply to his first question that there was a meeting in the employer's place of business where those on strike were asked to come in...

MR. CHAIRMAN: Order please. Does this have anything to do with this particular section?

MR. HICKMAN: Well, I understood that under the powers, functions and duties of the minister that this would include the supervision of welfare officers throughout the Province who, in the final analysis, carry out the day to day administration of this Act. And why I said, Mr. Chairman, that they have to be scrupulously careful - that this most definitely created the wrong impression. The impression was left with those people who were on strike that when they had to come in and sign a letter or to sign a document saying that they were no longer in ~~the~~ particular striking union that the impression was loud and clear that the welfare officer was acting in his official capacity. Whether he was or whether he was not, it was certainly an act of indiscretion. I draw that to the attention of this committee. I would like to hear from the hon. minister as to his views on the Gushue Report on whether he feels that our adoption laws should be updated.

MR. ROBERTS: Mr. Chairman, to deal first with the second point of the hon. gentleman from Burin. I believe my colleague has dealt with some questions that have been put on the Order Paper but let me, perhaps, review the matter. I am told that a welfare officer (there may be more than one stationed at Marystown) but certainly an officer or the officer stationed at Marystown did witness a letter or a statement or a deposition or an affidavit or something, but he used his power to witness. Apparently, that is

Mr. Roberts

the only thing that he did. He was not involved in any way in the matter in dispute. I gather it was a labour relations matter. The gentleman concerned, the welfare officer, witnessed that because (a) the people involved asked him to and (b) because welfare officers, by virtue of their role as welfare officers, are commissioners. I do not want to go into the legal implications. I am not sure if a welfare officer, being a commissioner by virtue of being a welfare officer, would have the power to witness any document for anything other than a matter connected with the social assistance regulations and so forth. In any event the gentleman did. I think it is the feeling of my colleague and I gather he has so instructed all of his officials throughout the Province that in future they should refrain from becoming involved even to the very minor extent which the gentleman did. I gather my colleague has already said this in the House. But even if he has not, Mr. Chairman, this is the position as I have it. I do not think there was any desire on the part of the gentleman concerned to become involved in any way with either side of the dispute. I told what happened. Somebody came with a bit of paper and said, "look, we want to swear to this. Can you witness it?" The hon. gentleman opposite differs with me. He may know more than I do. I am just..

MR. HICKMAN: There was an official complaint filed by the union.

MR. ROBERTS: Yes.

MR. HICKMAN: It was not just one isolated instance.

MR. ROBERTS: I am aware of a complaint, and as I have said my colleague has had the matter investigated and has concluded that the welfare officer concerned, as you know, there was no mens rea, to use the legal term. He acted unwittingly, I gather, and not with any malice or any intent to become involved. I gather, also, as I have said to the committee, that instructions have been issued to all welfare officers that in future would they be good enough please to confine their witnessing statements to matters directly concerned

Mr. Roberts

With their duties as welfare officers. Yes, that is correct.

Now to come back to the hon. gentleman's first point, Sir, where he deals with the adoption legislation. I differ with him. I think that our Adoption Act is a good one. The present Act is only seven or eight years old. I think in 1964 it was put on the books. It is a good Act. It is much in line with the rest of Canada. The recommendations of the family law study, the Gushue one - I am told the recommendations regarding adoption have been put into effect very largely. I can also tell the committee, Sir, if it is in order, that there are a number of matters yet to come before the House, in this session, some of which we have given notice, which will embody various recommendations of the Gushue Report.

The other matter, I believe, that comes up in adoption laws is the question of adoption across religious lines and there all that I can say is that my colleague is consulting with the heads of the various denominations involved. I do not want to go any further for various reasons. Until the discussions have come to some sort of conclusion, it would be most improper and most inappropriate to say anything. But I can say that the matter is very actively under review and that the denominations concerned have a right. I do not know if they have a legal right, but they certainly have the right to be consulted. They are being consulted and their views are being sought.

MR. CHAIRMAN: Shall Clause (8) carry?

MR. HICKEY: Mr. Chairman, a couple of questions on Clause (8) with regard to adoptions. It has always been my understanding that an official of the department would never inform a client or an applicant for a child that he or she or they had, let us say, more than an average chance of adopting a child, if, i.e., there were of a certain age which was beyond that age

Mr. Hickey

permitted by the department. However, there are some instances where this has happened, and I am wondering why? I question, i.e., why a worker if he would accept an application, in good faith, from a family to adopt a child that was already in their home, almost one might say, suggest that the family adopt that child. And have those people go to the expense, have their hopes raised and go to the expense, I might add Sir, of approximately \$300 which those people state they can verify, only to find that the minister or the Director of Child Welfare and subsequently the minister, refuses the application on the flimsy ground that those people are too old.

Now, Mr. Chairman, those people did not age twenty years from the date of their application to maybe a three to six month period afterwards. Surely, the officials in the department were well aware of the age of those people. I am sure the gentleman that sits with the hon. Minister of Health probably is well aware of the case that I referred to. The case in point is a case in Lawrenceton. Two people very upset - upset to the extent, Mr. Chairman, where they have sought advice, sought assistance from almost everyone; the clergy, lawyers, the department, the Premier himself, the minister, etc. They came into St. John's. They are still at it, Mr. Chairman. The latest word I have from them is that they are going to continue. They are going to take the case to court, if they do not get this child that those people raised from thirteen days old to an approximate age of something under a year. They were led to believe that they could adopt that child, as I have said, before they went to the expense and then had their hopes torn to bits by a decision.

MR. ROBERTS: Tell us how old they are?

MR. HICKEY: They are not too young. They are in their fifties,

Mr. Chairman. The lady is fifty-six. The gentleman is fifty-nine.

Mr. Chairman, I can state categorically here from my own experience and that goes back five years, and I am sure that if I can say this - I am sure that there have been cases since then, because the department has become much more

Mr. Hickey

liberal and much more flexible in their adoption laws in the last five years and rightly so, Mr. Chairman - rightly so. But I can state categorically that people have adopted children at that age and the flimsy excuse given by the minister ( of course, it is like something that would come from that gentleman) as to what those people or how those people would handle a teenager at age seventy or age sixty-five. It is so ridiculous that it is not even funny. It is just purely ridiculous.

Mr. Chairman, people at age seventy can do a darn sight more sometimes with a teenager who might be troublesome than a lot of our younger people, from their wealth of knowledge and experience gained down through the years. They might lack some things, Mr. Chairman, but they certainly do not lack the important things, in my view. This is one case in point and it is not with any pleasure that I bring it to this House. I have no alternative, because the letters, and I have received something like seven or eight of them, almost one a week, pitiful - those people have gone everywhere. The only place left, Mr. Chairman, is this Assembly. A great injustice has been done those people. There is only one way to rectify it and that is give them that child. It is rather difficult to know how one could pay for the damage that has been caused, if that child is not given to them. As I have said they were led to believe that they could adopt. The application was accepted. If the policy of the department is that people of this age cannot adopt, then why in God's name was the application accepted in the first place? I have copies of letters from clergymen; supporting and verifying the story that is told by the mother, the foster mother. The home, it seems and I stand to be corrected. I have not been in it. I have a wealth of information on it from clergymen, from medical people, from interested citizens and from the people themselves. It seems to be a perfect home for a child. It is a home which has been approved



Mr. Hickey

by the department, as a foster home, by the minister, himself, in one letter. It points out the tremendous jobs that those people have been doing as foster parents.

Here we find that just because or at the age they are, they cannot have this child that they were led to believe that they could have, when the child was probably a month old. I do not know, Mr. Chairman, who is going to take the responsibility for this. But certainly it seems to me that the decision to refuse that application was made or if it was not made initially, it must have been made on the recommendation by someone and subsequently supported by the minister who has been trying desperately, and I might say very feebly to justify his decision. It is a decision, Mr. Chairman, that cannot be justified, nowhere by anybody. I am sure that there are other hon. members in this House who have been written by those people. I think, Mr. Chairman, in fairness that they might have some peace of mind - if any hon. member has correspondence on this matter, they should speak now. I am not going to take up the time of the House. To bring it up at a later date, I had intended to. But I felt that this was the time to do it, and I am sorry that the hon. minister is not here. I am sure that we will hear from him on it at a later date.

But I appeal, Mr. Chairman, to the minister and to his officials, which ever ones are involved, that they do some soul searching and if they can justify sticking to the decision that they have made, then all I can say is that they have absolutely no conscience, because they have made a most unjust decision. There is no way that they can

MR. HICKEY: justify it. There has been case after case where the opposite to what they have done was done, and there is just no way that they can justify it. I feel that they owe a change in decision to those people. I would suggest that anyone here who is knowledgeable in the case express their views on it. I am sure that the people concerned will be most grateful because they are at the end of the line.

From here they go to court...

MR. CHAIRMAN (Noel): Order! order please! I would like to say, that since this is the first occasion that we have been in Committee on Bills, that there is a difference in being in Committee on Bills and in Committee on the estimates. When we are in Committee on the estimates, then a member can raise grievances and particular cases and things of that nature. In Committee on Bills, the Chair proposes that a section be carried, and members remarks then should be relevant to the particular section and should tend towards either supporting the section or introducing an amendment or something of that nature. I think we have gotten a little of the beam here, and I do not think we should convert the second reading into a situation on estimates.

Therefore, I am going to have to ask speakers on this Bill to confine themselves more directly to the particular Bill which is really an administrative Bill, relating to the Department of Social Services and Rehabilitation. Clause (8) that we are on now, is simply that the minister shall have certain functions.

MR. HICKEY: Mr. Chairman, may I just say a word...

MR. ROBERTS: Mr. Chairman, if I may...

MR. HICKEY: Can I rise? Can I speak on a Point of Order?

MR. CHAIRMAN: There is no Point of Order unless you make one.

MR. HICKEY: Okay, I will make one. The hon. gentleman saw me on my feet before I opened my mouth, before I had a chance to open my mouth. I guess I raised what is possibly a thorny issue. My Point of Order is this, Mr. Chairman, when I brought up this matter I could have left it for the estimates. When I brought it up I brought it up under section (8), number (2) the adoption of

children and we are dealing with the minister's authority, his responsibility and his actions. They are right there and we can have a full debate as far as I am concerned.

MR. CHAIRMAN: Order please! this is a misconception that we are under. On the estimates when an item is proposed a member can then raise almost anything relating to the estimates because, you are asking for a vote of money. On the passages of Bills, you cannot raise all kinds of matters. Under this particular section here now, is, "shall the minister have power over adoptions?" that is all.

MR. ROBERTS: Mr. Chairman, since the hon. gentleman has made some quite serious charges, would it be in order to ask if I might have leave to deal with them? If it is not in order I will not ask.

MR. CHAIRMAN: I do not think it is in order.

MR. ROBERTS: Very well. perhaps Mr. Chairman, I could say to the House and to other who may be hearing that I will be available in the press gallery directly after this because, the hon. gentleman has seriously, I will not say deliberately, but has seriously misrepresented a state of facts. Since I cannot, Your Honour is quite right, if I cannot put the matter to the Committee I will be available in the press gallery for anybody who might wish to discuss the matter further.

MR. HICKEY: There is no need in my view of the hon. minister going to the press gallery. He should be allowed to express his views here. If I have made some charges let him answer them. This is the place not in the press gallery.

MR. CHAIRMAN: Order please! the motion is, shall clause (8) carry?

On motion, clause (8) carried.

On motion, clauses 9 to 22 carried.

Shall clause 23 carry?

MR. CROSBIE: Mr. Chairman, in connection with clause (23), I wonder why this clause should be necessary. "No action shall be commenced against any officer, and so on, servant or agent of the department for anything done by him in the course of his employment until one month after notice in writing

has been delivered to him or left at his usual place of residence.

Why should that be required, or why should that be the case, that somebody should give him a months notice if they want to take an action against him?

MR. ROBERTS: Mr. Chairman, I quite honestly have no idea why it is there, and I must say, looking at it it seems an unusual provision. If somebody is going to take a legal action against a person, the rules of court provide that you know, that notice is given and all that. I wonder would it be in order Sir, if I were to move, or if my colleague the Minister of Justice were to move that that clause stand. I will consult with the legal draftsman and have an answer.

There may be a reason and so I do not want to accept an amendment to strike it, but there if there is no reason I will undertake to find out what the devil it is doing in there. It is an unusual clause but there may be a reason.

MR. CHAIRMAN: Shall clause (23) stand? Those in favour "aye," contrary "nay," carried.

On motion, clauses 24 to 29 carried.

On motion Bill 14 stand.

Item 5, 'An Act Further To Amend The Fatal Accidents Act.' (15).

Motion, that the Committee report having passed Bill without amendment, carried.

Item 4, 'An Act Respecting The Application And Effect Of Certain Acts Passed In The Present Session Of The Legislature Upon The Revised Statutes Of Newfoundland, 1970.' (23).

Motion, that the Committee report having passed Bill without amendment, carried.

Item 7, An Act Further To Amend The Act 4 Edward VII Cap 13 Entitled 'An Act To Provide For The Transportation Of Timber Over Streams And Lakes, And For Other Purposes In Connection With Crown Lands.' (18)

Motion, that the Committee report having passed Bill without amendment, carried.

Item 9, 'An Act To Amend The Coughlan College Incorporation Act, 1965.' (39)

Motion, that the Committee report having passed Bill without amendment, carried.

Item 10, 'An Act Further To Amend The Women's Patriotic Trust Fund Act, 1920.' (36)

Motion, that the Committee report having passed Bill without amendment.

Item 11, "An Act Further To Amend The Registration OF Deeds Act." (27).

Motion, clauses 1 to 3 carried.

MR. HICKMAN: Mr. Chairman, the hon. the Attorney General I believe was going to check on the registration fee, particularly the two dollar and fifty cent fee so that he could assure the House that this related only to searches of a requisition.

MR. CURTIS: (Inaudible)

MR. HICKMAN: When this Bill was being debated in second reading, there was some doubt as to exactly what the fee for searching covered. The hon. the Attorney General undertook to check with the Registrar of Deeds, with a view to assuring the House that that fee was not a regular search fee. The other matter was raised by the hon. member for St. John's West, that the ten cents for every hundred words, or fifty cents a page is it, seemed to be quite high for documents that were to be copied or photostated in the Registry of Deeds. My recollection is that the Attorney General undertook to check to see what the cost was to Government. If you get involved in trust deeds or articles of an association of a company it is a pretty expensive item and one that I suspect is considerably higher than the actual cost to Government.

MR. CURTIS: I regret the hon. the Attorney General did not do it. He will do it between now and tomorrow. Let it stand.

On motion clause 14 stand.

April 22, 1971, Tape 363, Page 5 -- apb

Motion, that the Committee rise, report having passed Bills, 18; 39; 36; 18; and 15 without amendment, and ask leave to sit again, carried.

Motion, that the report of this Committee be confirmed, Bills ordered read a third time on tomorrow, carried.

Motion, that the House at its rising do adjourn until tomorrow Firday at 11:00 a.m., carried: